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FILED

10/07/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 16-0334

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OCT 07 2016

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

9 IN THE SUPREME COURT OF THE STATE OF MONTANA
10 CAUSE NO. DA 16-0034

11 ROY KAUFMAN and GEORGE KAUFMAN,)
12 PARTNERS, KAUFMAN BROTHERS,)

13 Plaintiffs and Appellees,)

14 v.)

15 BEARD INSURANCE AGENCY, INC.,)
16 and KENNETH M. BEARD)

17 Defendants and Appellants.)

MOTION FOR EXTENSION OF
TIME TO FILE APPELLEES' BRIEF

18 COMES NOW the Plaintiffs and Appellees, Roy Kaufman and George Kaufman, Partners, Kaufman
19 Brothers, and moves the Court for a 30-day extension of the time within which Plaintiffs and Appellees must
20 file their Responsive Brief. At the present time, the Brief would be due on Friday, October 7, 2016. Counsel
21 for Plaintiffs and Appellees has consulted with counsel for the Defendants and Appellants and determined
22 that Appellants do not oppose this Motion.

23 Counsel should inform the Court that Plaintiffs and Appellees' sister, Geraldine Bangert, and 2 of her
24 children filed a Petition in the District Court in Carbon County to declare both Plaintiffs and Appellees, Roy
25 Kaufman and George Kaufman, incompetent and to appoint them as Guardians and Conservators. This
26 matter has been contested and on September 29, 2016, just 6 days ago, a settlement was entered into by the
27 parties, a part of which authorized the filing of the appointment of Geraldine Bangert as guardian and
28 conservator of Roy Kaufman and George Kaufman. This resulted in an Order dated October 3, 2016, that

1 Geraldine Bangert is now Guardian and Conservator. The undersigned has been told that the new guardian
2 and conservator does not want the undersigned to continue as counsel on this case, and it is expected that a
3 substitution of parties as provided in Rule 25(2) of the Montana Rules of Appellate Procedure will be
4 requested. Judge Blair Jones had previously ordered that all work on this case be suspended by the
5 undersigned until the issue of competency was resolved. The undersigned counsel, therefore, is filing this
6 motion to preserve the rights of the parties until the proper pleadings are submitted and new counsel is
7 retained.

8 DATED this 5th day of October, 2016.

10 TOWE, BALL, MACKEY, SOMMERFELD
11 & TURNER, PLLP
12 Attorney for Plaintiffs and Appellees

13 By: Thomas E. Towe
14 THOMAS E. TOWE, ESQ.

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CERTIFICATE OF SERVICE

This is to certify that the foregoing was duly served by mail upon:

James R. Halverson
John L. Wright
Halverson & Mahlen, P.C.
P.O. Box 80470
Billings, MT 59108-0470

Deborah Pranikoff
Attorney at Law
P.O. Box 1309
Red Lodge, MT 59068
Counsel for Appellees Guardian

on this 5th day of October, 2016.

TOWE, BALL, MACKEY, SOMMERFELD
& TURNER, PLLP

By Thomas E. Towe
Thomas E. Towe